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In re Application of
JOEDICKE et al.
Application No.: 09/914,082
PCT No.: PCT/DE00/00553
Int. Filing Date: 24 February 2000
Priority Date: 01 March 1999
Attorney Docket No.: 1-15478
For: ELECTROCHROMIC ELEMENT

DECISION ON REQUEST
UNDER 37 CFR 1.497(d)

This decision is in response to (renewed) "Response to Decision on Request under 37 CFR 1.497(d)" filed 23 July 2002.

BACKGROUND

On 24 February 2000, applicants filed the above-captioned international application, which claimed a priority date of 01 March 1999 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 08 September 2000. The international application named Dirk Joedicke, Hans-Joachim Becker, and Volker Gumprich as inventors. A Demand for international preliminary examination was filed prior to 19 months from the priority date. Accordingly, the thirty-month period for paying the basic national fee expired at midnight on 01 September 2001.

On 22 August 2001, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee, a translation of the international application, and a preliminary amendment.

On 17 October 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497(a) and (b).

On 11 March 2002, applicants filed "Request to Add Joint Inventor to Application under 37 CFR 1.48" which included a declaration executed by Dirk Joedicke, Hans-Joachim Becker, Volker Gumprich, and Richard Batchelor. The request was dismissed in a decision dated 04 June 2002.

On 23 July 2002, applicants filed the present "Response to Decision on Request under 37 CFR 1.497(d)."

DISCUSSION

In the instant case, the international application named Dirk Joedicke, Hans-Joachim Becker, and Volker Gumprich as inventors. Applicants request to add Richard Batchelor as an inventor. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires:

- (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a);
- (3) the fee set forth in 37 CFR 1.17(i); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicants have satisfied item (1) through (3).

In regards to item (4), applicants have submitted a written consent of assignee to the correction in inventorship in compliance with 37 CFR 3.73(b).

CONCLUSION

The request under 37 CFR 1.497(d) is GRANTED.

A review of the application papers reveals that applicants have completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application will be given an international application filing date of 24 February 2000 and a date of 11 March 2002 under 35 U.S.C. 371.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



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